

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

COURTNEY DAWN SMITH

NO. 18-03274 JJT  
CHAPTER 13

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FORD MOTOR CREDIT COMPANY, LLC

vs

COURTNEY DAWN SMITH, DEBTOR  
CHARLES DeHART, III, Trustee

Objection to Plan

**OBJECTION OF FORD MOTOR CREDIT COMPANY, LLC  
TO CHAPTER 13 PLAN**

Ford Motor Credit Company, LLC ("Ford Credit") is a secured creditor of Debtor, Courtney Dawn Smith, having a perfected purchase money security interest in a 2014 Ford Focus ("Vehicle") owned by Debtor. Ford Credit objects to Debtor's Chapter 13 Plan for the following reasons:

1. Ford Credit does not accept the Plan and it is not feasible. Code §1325(a)(5)(A).

2. The Plan fails to provide Ford Credit with adequate protection of its interests and fails to pay the full present value of its claims, with proper priority and interest rate.

3. The Plan provides that, in the event the case is terminated for any reason, funds are to be returned to Debtor, rather than to Ford Credit which is being asked to accept payments to the Trustee prior to confirmation as a form of adequate protection. The statutory basis for this 11 USC Sec. 1326 is unconstitutional as applied, unfairly and improperly depriving Ford Credit of its property without due process of law.

4. Debtor is not providing all available income towards payment of debts under the Plan.

5. The Plan does not require that the Vehicle be continually insured with Ford Credit named as loss payee.

6. The Plan does not require entry of a discharge to effectuate termination of Ford Credit's lien.

7. The Plan provides for payment in full of unsecured tax/administrative claims, including all attorney fees ahead of Ford Credit's secured claims, despite the

fact that the collateral depreciates in value through the life of the Plan and Debtor's use thereof.

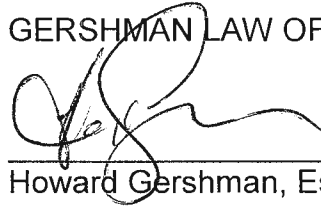
8. Insofar as Ford Credit's collateral is depreciating, its claims should be ahead of other secured claims or non-dischargeable unsecured claims not be subjected to depreciation of collateral.

9. Debtor's Plan does not provide for adequate protection payments as required by Bankruptcy Code Section 1326(a); no such payments have been made.

WHEREFORE, Ford Motor Credit Company, LLC prays this Honorable Court to enter an Order denying confirmation of Debtor's Plan.

DATED: August 21, 2018

GERSHMAN LAW OFFICES, PC

A handwritten signature in black ink, appearing to read 'H. Gershman', is written over a horizontal line.

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